

Remarks

In the Office Action dated August 27, 2007, the Examiner rejected claims 1-3, 5-9, 13, 15, 20-21 as unpatentable over Baier. Applicant respectfully asserts that several aspects of Baier teach directly against such a conclusion. First, relative to claims 1, 6 and 9, Baier shows placement of its vents in the bottom horizontal portion of the frame. When Baier's invention is instead placed in a vertical portion of the frame (as is the present invention), the Baier structure does not facilitate upward airflow. By its very structure, Baier teaches away from the advantage of the present invention which is placed in a vertical portion of the frame and includes a directional turn of air into an internal, vertical pathway that facilitates upward movement of air within the vertical portion of the frame upon its entry. This, in turn, facilitates upward flow of air and exchange of air from within the space between the protective panel and the stained glass to the outside. (Specification, p. 4). The structure of the present invention, unlike Baier, provides air flow that reduces the growth of bacteria by reducing moisture and guards against large swings in temperature and the ensuing structural damage caused thereby.

Second, and again relative to claims 1,6, and 9, Baier specifically teaches away from directly venting to the outside air. Instead, Baier's structure vents from a space created between metal cladding and the glazing panel as a means to deter dirt and bugs. (Col. 2, II 26-28, II 37-40, II 49-52). Further, Baier expressly teaches that the passageway 46 must be "very narrow further restricting entry of insects". The present invention, on the other hand, teaches that, in addition to the need to have corresponding entry and exit vents having three directional turns to accommodate opening directly to the outside that are spaced vertically from one another and move air in similar rates and volumes, the passageways must be of adequate size to provide airflow of a rate and volume necessary to protect the stained glass. (Specification pages 2, 4, 9, 10, 11) Creating vents with pathways so narrow as to deter bug entry would be counter to the need for air flow and volume.

Third, Applicant respectfully asserts that the limitations of claims 2, 3, and 7 are not obvious design choices but, rather, the result of inventing a solution to a long-felt need in the industry. Years ago it was recognized that stained glass needed to be protected from the elements and vandalism. Among several alternatives, installation of protective transparent panels became a popular way to do so. Then, in 1996 a study was published that showed that the application of these protective panels with stained glass windows actually cause damage to the stained glass and its structural components given enough passage of time. The cause of this damage was determined to be inadequate airflow between protective panels and the stained glass. The damage is a result of extremes in temperature caused by a greenhouse effect and by moisture that creates a breeding ground for bacteria. Therefore, although many managers of older buildings had elected to protect their beautiful stained glass by installing protective transparent panels, that action actually caused further damage. This information is also provided, generally, in the specification at pages 2 and 4. What was needed was a means to protect the stained glass from the elements and also from the damage inherent in the installation of protective panels in a manner that did not detract from the glass or its ornamental framing.

As is evidenced by the Baier patent, "breather" systems were employed with dual glazing windows as early as 1991 but, as evidenced by the enclosed materials, were not designed to meet the special needs of stained glass. The present invention was specifically designed to do so.

Materials in support of the above remarks regarding the nonobviousness of the limitations of certain claims in the present invention are hereby submitted for the Examiner's consideration. The materials are each marked with the relevant reference number and, where appropriate, include markers indicating sections pertinent to review. Specifically, they are as follows:

0. Traditional Building, September 1991. Provides historical perspective on venting.
1. Protective Glazing Study for National Preservation Center, June 30, 1996. Specifically section V, pertinent paragraphs marked. This is the sea-change.
2. CCFM Today, May 2003. See marker.

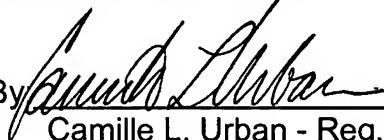
3. Traditional Building, December 2005.

It is believed that, in light of the amendments in claims 1, 2, 6, 7 and 9 and the arguments in support of nonobviousness therefore, and for claims 2, 3, and 7, the aforementioned are now in condition for allowance. Further, applicant believes claims 4, 5, 8, 13, 15, 16, 20-21 are in condition for allowance as they are dependent upon a claim now in condition for allowance.

A marked-up version of the amended claims is enclosed. No new matter has been added by virtue of these amendments. The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account Number No. 50-3021 belonging to Brown Winick Law Firm.

In view of such Amendments and the foregoing remarks, reconsideration of this application is respectfully requested.

Respectfully submitted,

By 

Camille L. Urban - Reg. No. 46,948
G. Brian Pingel, Reg. No. 26,216
Adam W. Jones, Reg. No. 57,116
BrownWinick Law Firm
Regency West 5
4500 Westown Parkway – Ste. 277
West Des Moines, Iowa 50266-6717
Telephone: 515/242-2400
Facsimile: 515/242-2448

ATTORNEYS FOR APPLICANT



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Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this Amendment is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
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on November ^{12th} 2007, with adequate postage affixed thereto.



Camille L. Urban, Reg. No. 46,948